IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.19 OF 2006

Sarala C. Shah and others ...Appellants

v/s

Official Assignee and others ...Respondents

Mr Ketan Parekh with Mr Denzil D'Mello for Appellants.

Mr Rohit Kapadia with Mr Riyaz Chagla i/b M/s Khaitan and Co. for Respondent Nos.2 to 5.

CORAM : D.K. DESHMUKH J.

DATE : 14TH JULY 2006.

P.C. :-

1. On a motion made by the respondent Nos.2 to 5, who were applicants in an application made under section 17 of the Arbitration and Conciliation Act 1996 before the learned Arbitrator, the application filed under section 17 before the learned Arbitrator dated 26th July 2005 is permitted to be withdrawn with liberty to make a fresh application. As a result of the withdrawal of that application, the order passed by the learned Arbitrator on that application dated 27th September 2005, in so far as it operates against the appellants does not survive. The appeal, therefore, becomes infructuous. It is disposed off as such. It is clarified that a part of the order dated 27th September 2005 was challenged in arbitration appeal No.18 of 2005. By order dated 14th July 2006, that part of the order dated 22nd September 2005 which was against the appellant - Company in that appeal has been set aside. This order does not in any way affect the order dated 14th July 2006 passed in arbitration appeal No.18 of 2005.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.